



# CITY OF BIG BEAR LAKE *California*

## **MEETING**

**DATE:** September 14, 2020

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Frank A. Rush, Jr., City Manager  
Janice Etter, Interim Director of Planning and Inspections

**SUBJECT:** Update - COVID-19

## **ACTIONS TO BE CONSIDERED**

The City Manager will update the City Council and the public on the latest developments regarding COVID-19 in the City of Big Bear Lake, and the City Council will consider one action item pertaining to COVID-19.

City Council will consider a formal resolution authorizing the extension of City-issued development approvals due to the negative impact of COVID-19 on development projects. The proposed resolution authorizes an automatic 1-year extension of all development approvals that were / are active between March 19, 2020 and December 31, 2020, in recognition of various staffing, permitting, financing, and construction challenges resulting from the COVID-19 pandemic.

Council may also consider and take additional COVID-19 actions deemed necessary or helpful as a result of public comment, Council discussion, and new information that emerges regarding COVID-19.

## **BACKGROUND**

The City remains heavily engaged in COVID-19 issues, and continues various efforts aimed at a) keeping our community safe, b) promoting the success of our local businesses, c) maintaining community cohesion in an especially divisive and challenging time, and d) enabling our community to eventually emerge from the COVID-19 pandemic poised for future success. Although there are certain members of the community who may disagree with certain City actions, the totality of the City's actions is deliberately aimed at maintaining an appropriate balance among many competing concerns in order achieve the goals noted above.

As of September 10, the Big Bear Valley continues to experience a relatively low incidence rate of COVID-19. Over the past several weeks, the number of new cases has steadily declined and most previously infected individuals have recovered – resulting in a total of only 10 active cases (as of September 10) in the Big Bear Valley. At the August 10 City Council meeting, I reported a cumulative total of 81 cases in the Big Bear Valley since mid-March, and as of September 10 there are now 102 cumulative cases. Over the past two weeks (August 27 – September 10), there have only been 4 new cases reported, which equates to a two-week new case rate of 18 cases per

100,000 population, which is among the lowest in California and well below the State's target. Most importantly, there still have been no deaths attributed to COVID-19 in the Big Bear Valley, thankfully. Overall, we have been and remain relatively fortunate in the Big Bear Valley.

In addition to the recent positive trends in the City of Big Bear Lake, San Bernardino County's incidence rate, positivity rate, and hospitalization data are all trending in the right direction. As discussed many times in the past, the City carefully monitors County hospitalization data because any seriously impacted COVID-19 patients in our community would be treated by one of the larger hospitals off the mountaintop. Bear Valley Community Hospital would initially assist the patient, but if their condition is serious, the patient would be transferred out as soon as possible. Hospitalizations have decreased significantly since the last City Council meeting, and are again approaching the lower levels experienced in May and June. As of September 10, there are currently 270 confirmed and suspected COVID-19 patients hospitalized in San Bernardino County (down from a peak of 738 on July 25). Thankfully, the regional health care system has been able to meet demands all throughout the COVID-19 event.

The City Council approved a \$46,800 grant award to Bear Mountain Family Medicine Urgent Care to offer daily, rapid-result COVID-19 testing to residents of the Big Bear Valley at the August 10 Council meeting. Abbott Laboratories had indicated that test kits and equipment would be available and that testing could commence by September 1, however, the test kits and equipment have been delayed. We expect to begin this testing program as soon as the test kits and equipment are delivered. Additionally, I have requested County funding for the tests performed on residents outside of the City limits, and have received an initial favorable response to this request. I am still working to finalize the County's contribution, however, I believe this will be resolved in the near future. Additionally, as part of our overall efforts to enhance testing in the Big Bear Valley, the County is scheduled to offer another Big Bear testing event on September 22 at City Hall.

Most businesses in the City have been operating since late May, and the City continues to adhere to the State's guidelines. Under the latest State guidelines, the only businesses in the City of Big Bear Lake that are not permitted to operate are gyms, nail salons and other personal services, the movie theater, indoor entertainment venues, and "true" bars. Restaurants continue to be limited to take-out, delivery, and outdoor dining options, and most restaurants in the City appear to have adapted well, all things considered. I remain hopeful that all of our businesses will be allowed to open in some capacity sooner than later, and, with the cooler weather approaching I am hopeful that our restaurants will be permitted to resume indoor dining in some capacity.

Under the latest State guidelines, San Bernardino County is currently in the "Purple Tier". The State has outlined criteria that will hopefully enable the County to move to the "Red Tier" in the coming weeks, and this progression would allow most of our businesses to operate, with restrictions, and allow indoor dining at 25% capacity. The key data used by the State to enable movement to the "Red Tier" is the number of new cases per day and the positivity rate for new tests. San Bernardino County is approaching the required threshold for number of new cases, and already meets the threshold for positivity rate. Based on the latest State guidelines, it appears that the earliest San Bernardino County may be able to progress to the "Red Tier" is late September or early October. In addition to the County's overall progress, the County is also working with the State to allow sub-regions of the County, likely including the Big Bear Valley, to progress through the tier system faster, thus enabling more business activities to occur with fewer restrictions. The Big Bear Valley has a very low new case rate, and a very low positivity rate, and I believe that the Big Bear Valley would qualify for the "Yellow Tier", the least

restrictive tier under the State guidelines. I remain hopeful that the County will secure appropriate approvals, and that the Big Bear Valley will be permitted to move to the “Yellow Tier” in the near future. The “Yellow Tier” allows some businesses to operate at full capacity, but limits restaurants, gyms, churches, the movie theater, and some other businesses to 50% indoor capacity.

The City continues to experience significant visitation, primarily in the form of second home owners spending extended periods of time in Big Bear Lake and also short term guests visiting local lodging facilities and vacation rentals. Big Bear Lake remains an attractive, convenient, safe outdoor destination for those in other communities seeking to get away for a few days or longer, and occupancy rates have been consistently high for the past several weeks. The high occupancy, and also the generally longer stays (more midweek visitation) have resulted in tension between permanent residents and our visitors, and the City continues to devote significant attention toward mitigating these impacts. The City is now deploying Sheriff deputies to all noise complaints received, and has taken a more aggressive enforcement approach in recent weeks in an effort to maintain peace and quiet in our residential neighborhoods, particularly after 10 pm. City staff are also actively working on proposed improvements to the City’s vacation rental program to address concerns about vacation rentals – nearly all of which are related to the behavior of guests, and our efforts will seek to better ensure respectful behavior in the future. I expect to present recommendations to the City Council later this fall, and we will also seek appropriate stakeholder input at the appropriate time. Additionally, the City has continued to work with the US Forest Service and Visit Big Bear to address trash concerns and provide additional restroom facilities for visitors.

Nearly all special events in the City have been cancelled or postponed due to COVID-19, and the City will need to make decisions about 3 significant upcoming City-sponsored events in the next 4 – 8 weeks – Halloween in The Village, Christmas in The Village, and the rescheduled July 4 fireworks display.

Finally, the COVID-19 pandemic has made it more difficult for everyone to complete their work and achieve their goals, including the development industry. COVID-19 has caused various staffing, permitting, financing, and construction challenges for new projects, and City staff are proposing an automatic one-year extension of all development approvals that were / are active between the start of the COVID-19 pandemic and the end of this calendar year.

## **DISCUSSION**

City Council will consider one action item (Resolution Granting a One-Year Time Extension of Development Approvals Active Between March 19, 2020 and December 31, 2020, and Finding the Resolution is Not Subject to the California Environmental Quality Act) at the September 14 meeting, and is also asked to provide feedback and direction on upcoming City signature events.

### **Resolution Granting a One-Year Time Extension of Development Approvals Active Between March 19, 2020 and December 31, 2020, and Finding the Resolution is Not Subject to the California Environmental Quality Act**

The on-going COVID-19 pandemic has resulted in significant limits on personal movement, behavior, employment, and economic activity which have had significant negative impacts on the national, state, regional, and local economies. Property owners, local business owners, and developers have been hesitant to move forward with their approved projects because of economic

uncertainty during the pandemic. They now face the prospect of having their development approvals expire before they can obtain financing, secure building permits, and commence construction. If these approvals expire, the developer might abandon the projects without any benefit to the City, or be required to reinitiate the development process causing undue expense and delay. The proposed resolution would extend the life of existing development approvals that were / are active between March 19, 2020 and December 31, 2020 by one additional year, to aid and support the future economic recovery of the City.

The following development applications have been approved, but have not yet secured building permits or commenced construction. These projects would benefit from the adoption of this resolution.

- Conditional Use Permit 2017-140, outdoor patio and bathroom addition to Murray's Saloon at 672 Cottage Lane, proposed by Mr. Mike Kostiuk. Approved by Planning Commission Resolution PC2018-15, the project approval expired on July 30, 2020.
- Plot Plan Review 2018-092, a 10-unit addition to the Black Forest Lodge at 41121 Big Bear Boulevard proposed by Ed and Rita Wilson. Approved by Planning Commission PC2018-17, this project approval expired on August 27, 2020.
- Plot Plan Review 2018-123, a residential and commercial mixed use building at 40645 & 40651 Village Drive proposed by Mr. Gene Muntean. Approved by Planning Commission Resolution PC2018-24, Phase I will expire on November 19, 2020.
- Plot Plan Review 2016-035 and Variance 2018-150, a commercial project at 40275-40277 Big Bear Boulevard by Barnesboro Family LP, Mr. Rusty Barnes. Approved by Planning Commission Resolution No. PC2018-28, the project approval will expire on December 17, 2020.
- Conditional Use Permit 2019-066, expansion of the Bear Mountain Resort deck at 43101 Goldmine Drive connecting the base area with the Children's Academy. Approved by Planning Commission Resolution PC2019-11, the project approval will expire on July 29, 2021.
- Plot Plan Review 2019-113 and Variance 2019-114, an expansion and renovation of the deli at 42530 Moonridge Road proposed by Mr. Jayme Nordine. Approved by Planning Commission Resolution 2019-14, the project approval will expire on October 28, 2021.
- Conditional Use Permit 2019-072, a Bed & Breakfast inn proposed at 885 Andrew Lane by Ms. Kathryn Longawa. Approved by Planning Commission Resolution PC2019-15, the project approval will expire on November 19, 2021.

The time extension proposed by this resolution would also benefit projects recently approved in 2020. These projects include:

- Conditional Use Permit 2018-122, a 37-unit addition to The Club timeshare resort at 40671 Village Drive, approved by Planning Commission Resolution PC2020-01.
- Major Modification 2019-065, a restaurant and promenade addition to the Marina Resort at 40770 Big Bear Boulevard, approved by Planning Commission Resolution PC2020-02.
- Plot Plan Review 2020-39, a proposed Auto Zone retail store at 42040 Big Bear Boulevard, approved by Planning Commission Resolution PC2020-09.

- Conditional Use Permit 2019-079, The Barn @ Big Bear wedding venue and reception hall, 42488 Moonridge Road, approved by Planning Commission Resolution PC2020-10.

### Upcoming City Signature Events

The City Manager will discuss the current thinking regarding Halloween in The Village, Christmas in The Village (and tree lighting ceremony), and the postponed July 4 fireworks display. City Council is asked to provide direction to the City Manager on the scheduling / strategies for these special events.

The Halloween in The Village event is tentatively scheduled for Saturday, October 31, and is expected to result in huge crowds in The Village, making it impossible to maintain 6 ft. of physical distance and conduct this popular event in a COVID-responsible manner. At this time, it is unlikely that the event will be held in its traditional format, however, City Council may wish to consider and direct staff to pursue an alternate format that includes a drive-thru trick-or-treat experience and/or a mechanism to limit the number of children and families permitted in The Village at any one time. For example, the Masonic Lodge is considering hosting a drive-thru trick-or-treat event, and there may be other community groups willing to organize a similar event. Additionally, it may be possible to conduct a day-long event on Saturday, October 31, and strictly control the number of visitors in The Village at any one time. Ultimately, I believe the City Council can make a final decision on Halloween in The Village at the October 12 City Council meeting, and initial Council feedback is sought at the September 14 meeting.

The Christmas in The Village event is tentatively scheduled for Friday, November 27, and is also expected to result in huge crowds in The Village, also making it impossible to maintain 6 ft. of physical distance and conduct this popular event in a COVID-responsible manner. Because this event is still 2 ½ months away, there is likely more time to consider whether or not, and/or how to conduct this event. Ultimately, I believe the City Council can make a final decision on Christmas in The Village at the October 12 or November 9 City Council meeting, and initial Council feedback is sought at the September 14 meeting.

As you know, the July 4 fireworks display was postponed due to the spike in COVID-19 cases in late June. Both the City and Visit Big Bear have posted a (combined) \$37,500 deposit for the fireworks display, and this amount is non-refundable. However, we continue to work cooperatively with the pyrotechnic company, and the fireworks display can essentially be rescheduled for nearly any day prior to July 4, 2021. The latest idea for the rescheduling of the fireworks display is to produce the show on Wednesday, November 11 (Veterans Day). The pyrotechnic company has indicated that this date will work, and we have secured preliminary approval from Pine Knot Marina to set off the fireworks from the end of the existing jetty at the marina, thus eliminating the need to launch a barge in the lake. At this time, it appears that City staff, Pine Knot Marina, the Rotary Club, and Fire officials are comfortable with the November 11 date, however, we are still awaiting feedback from Visit Big Bear, who is jointly funding the show with the City. If the fireworks show is rescheduled for November 11, it would be “branded” as a) a delayed celebration of July 4, b) a celebration of our amazing veterans on their day, c) a slightly early celebration of the City’s 40<sup>th</sup> anniversary of incorporation (November 28), and d) a special treat geared more toward the local residents of the Big Bear Valley (as we would not expect as significant visitation on a Wednesday night in November). City Council should consider and discuss this idea, and provide feedback at the September 14 meeting.

### **FISCAL IMPACT**

There is no additional, unplanned fiscal impact associated with the issues included in this COVID-19 update.

The City has previously provided \$18,750 as a deposit for the July 4 fireworks display, and will provide an additional \$18,750 for the production of the show. Visit Big Bear has / is

contributing an equal amount.

## **ENVIRONMENTAL CONSIDERATIONS**

The proposed “Resolution Granting a One-Year Time Extension of Development Approvals Active Between March 19, 2020 and December 31, 2020, and Finding the Resolution is Not Subject to the California Environmental Quality Act” has been reviewed for conformance with the California Environmental Quality Act (CEQA).

The City determines that the adoption of this resolution is not a “project” pursuant to State CEQA Guidelines Section 15378 because the resolution is only procedural measure that temporarily extends development approvals that have already been reviewed and approved in compliance with CEQA, such that this resolution will have no direct or reasonably foreseeable indirect physical change in the environment. The activity is also not subject to CEQA because it is covered by the “common sense” exemption in Section 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. A notice of exemption is attached to this report.

No other actions contemplated in the COVID-19 update are subject to review under the California Environment Quality Act (CEQA) at this time.

## **RECOMMENDED MOTIONS**

1. Motion to adopt the Resolution Granting a One-Year Time Extension of Development Approvals Active Between March 19, 2020 and December 31, 2020, and Finding the Resolution is Not Subject to the California Environmental Quality Act.
2. Council should provide general direction regarding Halloween in The Village, Christmas in The Village, and a potential November 11 fireworks show.

I look forward to updating the City Council and the public on COVID-19 issues in Big Bear Lake, and look forward to your questions, suggestions, and direction as we move forward.

Council may also wish to make additional motions regarding COVID-19 depending on the substance of public comments and Council discussion at the September 14 meeting.

### **Attachments:**

1. Resolution Granting a One-Year Time Extension of Development Approvals Active Between March 19, 2020 and December 31, 2020, and Finding the Resolution is Not Subject to the California Environmental Quality Act.
2. CEQA Notice of Exemption